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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/620,826	07/21/2000	Reza Majidi-Ahy	164.1017.01	4409

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SWERNOFSKY LAW GROUP PC  
P.O. BOX 390013  
MOUNTAIN VIEW, CA 94039-0013

EXAMINER

JONES, PRENELL P

ART UNIT PAPER NUMBER

2667

DATE MAILED: 12/05/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/620,826

Applicant(s)  
Majidi-Ahy et al.

Examiner  
Prenell Jones

Art Unit  
2667



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Sep 22, 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-59 is/are pending in the application.
- 4a) Of the above, claim(s) 1-3, 18-21, and 59 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 35-58 is/are allowed.
- 6) ☒ Claim(s) 4-17 and 22-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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***Response to Arguments***

1. Applicant's arguments with respect to claims 1-59 have been considered but are moot in view of the new ground(s) of rejection. The previously 102 rejection is withdrawn in light of Applicants' amendment, however, there are new grounds for rejection.

***Claim Rejections - 35 U.S.C. § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 4-17 recites the limitation "***using*** said communication system ***using*** said first values" and "***using*** said communication system in response to said second set of values" in lines 5 and 10 of page 5 respectively. Examiner question what is Applicants intent with regard to "using?" What is the communication system, first values and second values being used for?

Claims 5-17 depend on claim 4, therefore, claims 5-17 are rejected as well.

***Claim Rejections - 35 U.S.C. § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 22-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raissinia et al in view of Dittmar et al.

Regarding claims 22-34, Raissinia discloses (Abstract, Figs. 1-5, col. 3, line 9 thru col. 5, line 30, ) a point-to-multi-point communication system that includes groups of codeword (first set of parameter values/second set of parameter values) associated with OSI physical layer and MAC layer, wherein the sending of first values (Fig. 2), producing second information regarding characteristics of a communication channel in response to a result of the steps of sending and adjusting plurality of first values (power, collision rate, error code) with respect to the second information (cols 5-8) wherein the first/second parameters of communication link are responsive to adjusting step, and (col. 8) communication link enduring interference effects whereby the link includes a (col. 4) plurality of separate channels using at least one or a plurality of time division. Raissinia is silent on parameter values collectively optimized based on performance measurements. In analogous art, Dittmar discloses optimizing parameters (Abstract, Fig. 4, col. 2, line 5 thru col. 3, line 13, col. 9, line 8 thru col. 10, line 52 ) associated with a predetermined set parameter values, optimizing parameter values based on measured performance characteristics, (col. 13, line 18-28) tuning values (optimize) for a variety of parameter types for optimizing settings. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to be motivated to

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implement parameter values optimized at the same time based on measured performance as taught by Dittmar with the teachings of Raissinia for the purpose of uniformly optimizing the communication system.

*Allowable Subject Matter*

6. Claims 35-58 are allowed over prior art.

Regarding independent claim 35, the limitation “optimizing plurality of communication parameters wherein time-varying adjustment is independent with regard to each independent communication channel, communication parameters are effective to alter aspects of each said independent channel with regard to frequency-variation, spatial-variation or time-variation” is absent from the art. Claims 36-58 depend on claim 35, there claims 36-58 are allowed as well as claim 35.

7. Claim 4 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

8. Claims 5-17 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

*Conclusion*

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

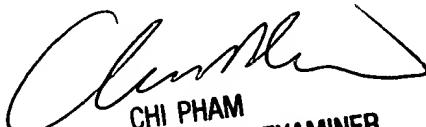
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prenell Jones whose telephone number is (703) 305-0630. The examiner can normally be reached on Monday thru Friday from 9:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham, can be reached on (703) 305-4378. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Prenell Jones

November 30, 2003

  
CHI PHAM  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600 12/1/03